

## STATEMENT OF BASIS (AI No. 101448)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0116548 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: LA Boilers, Inc.  
2741 O'Neal Lane  
Baton Rouge, LA 70816

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Kelli Hamilton

DATE PREPARED: April 15, 2009

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1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit - LPDES permit effective date: March 1, 2004  
LPDES permit expiration date: February 28, 2009

C. Date Application Received: September 8, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - seafood boiling and retailing facility

The existing facility washes, sorts, and boils crawfish and crabs, and boils shrimp.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II (BPJ points to 0 as per administrative decision)
3. Wastewater Type: II
4. SIC code: 2092

C. LOCATION - 2741 O'Neal Lane in Baton Rouge, East Baton Rouge Parish  
Latitude 30°25'29", Longitude 91°00'25"

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### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: treated sanitary wastewater, wash tank wastewater, washdown area wastewater  
Treatment: sanitary treatment system with extended aeration  
Location: at the point of discharge from the sewage treatment plant (Latitude 30°25'29", Longitude 91°00'25")  
Flow: 300 gpd  
Discharge Route: unnamed ditch, thence into Jones Creek

#### Outfall 002

~~Discharge Type: boiling tank water~~  
Treatment: brine tank  
Location: at the point of discharge from the brine tank (Latitude 30°25'29", Longitude 91°00'25")  
Flow: 200 gpd  
Discharge Route: unnamed ditch, thence into Jones Creek

### 4. RECEIVING WATERS

STREAM - unnamed ditch, thence into Jones Creek

BASIN AND SEGMENT - Lake Pontchartrain Basin, Segment 040302

DESIGNATED USES - a. primary contact recreation  
b. secondary contact recreation  
c. propagation of fish and wildlife

### 5. TMDL WATERBODIES

Subsegment 040302, Amite River-From LA-37 to Amite River Diversion Canal, is listed on LDEQ's Final 2006 303(d) List as impaired for mercury, and pathogen indicators. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Lake Pontchartrain Basin, those suspected causes for impairment which are not directly attributed to the seafood boiling and retailing discharge have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

Necessary Total Maximum Daily Load (TMDL) are scheduled to be completed by March 31, 2011.

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Suspected causes of concern remaining after this elimination process are addressed in a manner consistent with the Department's permitting guidance for implementing Louisiana's surface water quality standards as follows:

Pathogen Indicators

A fecal coliform limit has been established in accordance with sanitary discharges.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

Changes from previous permit: Best Management Practices (BMP) language for boil water has been added to Other Conditions.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

No records of compliance actions were found.

B. DMR Review/Excursions - The DMRs were reviewed for the period of January 2007 through December 2008.

| DATE | PARAMETER         | OUTFALL | REPORTED VALUE     |                  | PERMIT LIMITS      |                  |
|------|-------------------|---------|--------------------|------------------|--------------------|------------------|
|      |                   |         | MONTHLY<br>AVERAGE | DAILY<br>MAXIMUM | MONTHLY<br>AVERAGE | DAILY<br>MAXIMUM |
| 6/07 | Fecal<br>Coliform | 001     | ---                | 7000             | ---                | 400              |

8. EXISTING EFFLUENT LIMITS

Outfall 001 -

BOD ---:45 mg/l  
 TSS ---:45 mg/l  
 Fecal Coliform ---:400  
 pH 6-9

Outfall 002 -

BOD ---:Report mg/l  
 TSS ---:Report mg/l  
 Oil and Grease ---:Report mg/l  
 pH 6-9

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#### 9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 040302 of the Lake Pontchartrain Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Inflated Heel Splitter, West Indian Manatee, and Gulf Sturgeon, which are listed as threatened and/or endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated 11/17/08 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Inflated Heel Splitter, West Indian Manatee, and Gulf Sturgeon. The effluent ~~limitations established in the permit ensure protection of aquatic life and~~ maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

#### 10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

#### 11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

#### 12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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13. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain and LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. For renewal permit issuance, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility.

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### Rationale for LA Boilers, Inc.

1. Outfall 001 treated sanitary wastewater, wash tank wastewater, washdown area wastewater (estimated flow is 300 gpd)

| <u>Pollutant</u>                   | <u>Limitation</u><br>Mo. Avg:Daily Max.<br>(mg/l) | <u>Reference</u>                                  |
|------------------------------------|---|---|
| Flow (GPD)                         | --:Report   | LAC 33:IX.2361.I.1.b.                             |
| BOD <sub>5</sub>                   | --:45   | BPJ; Class I Sanitary Discharge<br>General Permit |
| TSS                                | --:45   | BPJ; Class I Sanitary Discharge<br>General Permit |
| Fecal Coliform<br>(colonies/100ml) | --:400  | BPJ; Class I Sanitary Discharge<br>General Permit |
| pH                                 | 6.0 su to 9.0 su                                  | BPJ; Class I Sanitary Discharge<br>General Permit |

**Treatment:** sanitary treatment system with extended aeration.

**Monitoring Frequency:** Monitoring frequency at this outfall shall be semiannually by grab sample.

**Limits Justification:** BPJ from the Class I Sanitary Discharge General Permit and previous permit.

\* Existing permits for similar outfalls  
 BPJ Best Professional Judgement  
 su Standard Units

#### NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

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### Rationale for LA Boilers, Inc.

2. Outfall 002 boiling tank water (estimated flow is 200 gpd)

| <u>Pollutant</u> | <u>Limitation</u><br>Mo. Avg: Daily Max<br>(mg/l) | <u>Reference</u> |
|------------------|---|------------------|
| Flow (GPD)       | ---: Report                                       | BPJ; *           |
| BOD <sub>5</sub> | ---: Report                                       | BPJ; *           |
| TSS              | ---: Report                                       | BPJ; *           |
| Oil & Grease     | ---: Report                                       | BPJ; *           |
| pH (su)          | 6.0-9.0   | BPJ; *           |

Treatment: brine tank

Monitoring Frequency: 1/quarter, based upon permits for similar discharges

Limits Justification: For facilities discharging small amounts of seafood boiling water, report only requirements for BOD, TSS, and Oil & Grease and a pH range of 6-9 s.u. have been placed in the permit as per BPJ and existing permits for similar outfalls.

\* Existing permits for similar outfalls  
 BPJ Best Professional Judgement  
 su Standard Units

#### NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.